

Nowhere in the prior art cited by the Examiner does it teach or suggest the combination of claimed the elements of applicants' device. As such the objection to the claims per section 103 is respectfully traversed.

Final Remarks

Applicant's device claims elements providing function neither taught or suggested in the cited prior art. Applicants' as noted in the specification consider the improvement to be substantial and provide great benefits in cost of production and obviating the need to precharge the batteries.

However, even if the Examiner does not consider it a great advance, it is believed that it has been established that one should not be deprived of patent protection where it can be shown that a genuine improvement has been made, on comparison with other intentions in the art, even if the improvement lacks the appearance of a great advance in the art.

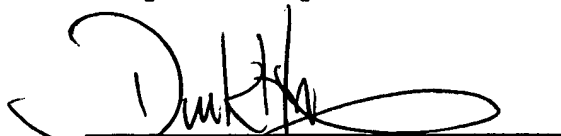
In re Lange, 128 USPQ 365, the CCPA on page 367 states that:
"We think that the present application is a distinct improvement of Jezalik and represents an advance in the art not obvious, having patentable novelty. The art is a crowded and comparatively simple on and in such an art, great advances are not to be expected. However patentability will not be denied to an invention which accomplishes a small, but nevertheless genuine improvement not though of by others.."

Further, the CCPA in the resent case of re Meng and Driessen, 181 USPQ 94, on page 97, reiterated the principal that even though the invention seems simple, after the fact, simplicity, particularly in a crowed art, argues for, rather than against patentabilty.

Applicant's device provides genuine improvement in the manufacture and longevity of batteries and is a significant advance in the art and claims elements providing function and benefits neither taught nor suggested by the prior art. As such all claims should now be allowable.

Should the Examiner have any further questions or concerns the Examiner wishes to address by Examiner's amendment by telephone or otherwise, or should the Examiner have suggestions to more clearly define the subject matter of the claims to more clearly define the patentable subject matter, the Applicant's attorney would be most receptive to such.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Donn K. Harms', is written over a horizontal line.

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